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Chair: Mr. Gafoor (Singapore)

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The meeting was called to order at 3.10 p.m.

General statements on requests for observer status

1. **Ms. Guardia Gonzalez** (Cuba) said that the criteria for granting of observer status in the General Assembly as set out in General Assembly decision 49/426 must be strictly applied. Such status must be granted solely to intergovernmental organizations whose activities covered matters of interest to the Assembly. The issue was not a mere formality, and the procedure for analysing each request for observer status must therefore be followed. It was not possible to decide whether to grant an organization such status unless a copy of its constitutive instruments and information on its objectives and membership were available. The discussion of requests and the adoption of the relevant resolutions should take place at a meeting specifically designated for that purpose, as had been the case for several years. Her delegation was grateful to the Secretariat for its efforts to facilitate the consideration of requests for observer status in a more coordinated and coherent manner.

2. **Ms. Fernandes Juarez** (Bolivarian Republic of Venezuela) said that it must be verified that any organization requesting observer status met the conditions stipulated in General Assembly decision 49/426, namely that it was an intergovernmental organization and was engaged in activities of interest to the Assembly. In addition to information about the organization's objectives and membership, it was essential that its constitutive document should be made available to the Committee so that it could ascertain the nature of the organization and ensure that it met the criteria set by the General Assembly.

Agenda item 167: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly (A/66/141; A/C.6/72/L.3)

Draft resolution A/C.6/72/L.3: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly

3. **The Chair** recalled that, at its sixty-sixth to seventy-first sessions, the General Assembly had decided to defer to its subsequent sessions decisions on the request for observer status for the Cooperation Council (General Assembly decisions 66/527, 67/525, 68/528, 69/527, 70/523 and 71/524). If he heard no objection, he would take it that the Committee wished to recommend that the General Assembly defer to the seventy-third session a decision on the relevant request.

4. *It was so decided.*

Agenda item 168: Observer status for the Eurasian Economic Union in the General Assembly (A/70/141; A/C.6/72/L.2)

Draft resolution A/C.6/72/L.2: Observer status for the Eurasian Economic Union in the General Assembly

5. The Chair recalled that, at its seventieth and seventy-first sessions, the General Assembly had decided to defer to the current session a decision on the request for observer status for the Eurasian Economic Union in the General Assembly (General Assembly decisions 70/524 and 71/525). If he heard no objection, he would take it that the Committee wished to recommend that the General Assembly defer to the seventy-third session a decision on the request.

6. *It was so decided.*

Agenda item 169: Observer status for the Community of Democracies in the General Assembly (A/70/142; A/C.6/72/L.5)

Draft resolution A/C.6/72/L.5: Observer status for the Community of Democracies in the General Assembly

7. The Chair recalled that, at its seventieth and seventy-first sessions, the General Assembly had decided to defer to the current session a decision on the request for observer status for the Community of Democracies in the General Assembly (General Assembly decisions 70/525 and 71/526). If he heard no objection, he would take it that the Committee wished to recommend that the General Assembly defer to the seventy-third session a decision on the request.

8. *It was so decided.*

Agenda item 170: Observer status for the International Network for Bamboo and Rattan in the General Assembly (A/72/141; A/C.6/72/L.8)

Draft resolution A/C.6/72/L.8: Observer status for the International Network for Bamboo and Rattan in the General Assembly

9. **Mr. Li** Yongsheng (China), introducing draft resolution A/C.6/72/L.8, said that Brazil, Eritrea and the Philippines had become sponsors. The International Network for Bamboo and Rattan (INBAR) fully met the criteria for observer status in the General Assembly. It was the only intergovernmental organization that specialized in the conservation and development of bamboo and rattan. Its objective was to contribute to the realization of sustainable environmental, social and economic development through international cooperation in bamboo and rattan conservation and development and to protect the environment, eradicate

poverty and promote the industry's development. The Network's activities were in keeping with the purposes and principles of the United Nations and were also closely linked to the 2030 Agenda for Sustainable Development. In particular, it directly supported the achievement of Sustainable Development Goals 1, 7, 11, 12, 13 and 15.

10. The Network had engaged in cooperative activities for the conservation and sustainable use of bamboo and rattan resources and had worked to facilitate their trade. It had carried out projects to raise local populations' awareness of the socioeconomic value of bamboo and rattan resources and open up new prospects for their use. In the area of technical support, capacity-building and policy, the Network had proposed innovative development models centred on bamboo and rattan and had supported poverty alleviation activities that promoted the development of the bamboo and rattan industry in an inclusive and environment-friendly manner.

11. **Mr. Winegue** (Togo) said that the International Network on Bamboo and Rattan, of which Togo was a member, was contributing to the achievement of the Sustainable Development Goals, especially in the areas of poverty reduction, energy, housing, sustainable production and consumption, climate change and sustainable development. Since its creation in November 1997, the Network had had a tangible impact on the lives of millions of people around the world and had contributed immensely to the protection of the environment, including through the restoration of 85,000 hectares of degraded land in north-east India. It had also provided training in new techniques and technologies to tens of thousands of people involved in the production, protection and processing of bamboo.

12. The organization enjoyed great prestige and influence in the world and had already been granted consultative status in the Economic and Social Council, the United Nations Environment Programme and various other United Nations bodies. Granting it observer status in the General Assembly would serve to encourage the Network to continue promoting sustainable socioeconomic development that was respectful of the environment and would enable it to collaborate and cooperate more closely with the United Nations in those and other areas of common interest.

13. **Mr. Nguyen** Nam Duong (Viet Nam) said that bamboo and rattan were the two most important non-timber forest products in Asia and other regions and had the potential to contribute greatly to socioeconomic development in rural areas. Through the promotion of bamboo and rattan production, INBAR had contributed to the realization of the Sustainable Development Goals, especially in relation to hunger eradication, poverty reduction, responsible consumption and production, climate action, affordable and clean energy, sustainable forest management and prevention of desertification and land degradation. Viet Nam had been a member of INBAR since 1999 and had worked with other members in sharing experiences in developing bamboo and rattan resources, applying innovative business models and value chains and tapping regional and global markets for bamboo and rattan products. The approval of observer status for INBAR would encourage greater cooperation between the Network and the United Nations and assist the Network's member countries in achieving the Sustainable Development Goals.

14. **Ms. Samarasinghe** (Sri Lanka) said that in Sri Lanka, which had joined INBAR in 2000, bamboo resources served as raw materials for cottage handicraft industries and for housing and construction purposes, providing income for rural families and supporting household economies. The work of INBAR was contributing to the achievement of the Sustainable Development Goals relating to poverty alleviation, sustainable energy, housing, sustainable production and consumption, land degradation and climate change. The Organization also played a vital role in South-South cooperation. Her delegation believed that observer status in the General Assembly would help the Network to further its global efforts to promote the Sustainable Development Goals through its work and to establish international standards and harmonize codes for bamboo and rattan products.

15. **Ms. Guardia González** (Cuba) said that INBAR had helped countries to improve their environmental security and the livelihood of their rural populations. It was contributing to the achievement of the Sustainable Development Goals related to poverty reduction, energy, sustainable production and consumption and action to combat climate change and the loss of biodiversity. By fostering partnerships and South-South cooperation, it was also contributing to Goal 17. Granting the organization observer status in the General Assembly would promote its work and help to build sustainable solutions to future development challenges.

16. **Ms. Fernández Juárez** (Bolivarian Republic of Venezuela) said that INBAR was of great importance to the bamboo- and rattan-producing countries, including Venezuela. The Network met the criteria set out in General Assembly decision 49/426, and her delegation invited all Member States to support its application for observer status. The Network's participation in the work of the General Assembly would contribute to the Organization's efforts to promote South-South

cooperation and forge stronger partnerships in order to address global challenges and achieve sustainable development.

17. **Mr. Dos Santos Pereira** (Timor-Leste) said that Timor-Leste was currently engaged in a domestic process aimed at becoming a full member of INBAR and thus realizing the potential of the bamboo and rattan industries to contribute to its economic development. His delegation welcomed the organization's work to promote the economic potential of bamboo and rattan resources to fight poverty and social exclusion and supported its request for observer status. INBAR played a unique role in supporting its members in finding innovative ways of using bamboo and rattan to protect environments and biodiversity and to alleviate poverty. It connected a global network of partners from the government, private, and non-profit sectors to define and implement a global agenda for sustainable development with bamboo and rattan. Achieving observer status in the General Assembly would afford the Network the opportunity to further align its work with the 2030 Agenda for Sustainable Development and contribute to the development of further partnerships to meet global challenges.

18. **Mr. Kabir** (Bangladesh) said that the mission of INBAR, of which Bangladesh was a founding member, was to improve the well-being of bamboo and rattan producers within the context of sustainable production. It coordinated and supported innovative research and development and had provided training to tens of thousands of bamboo producers in how to use new technologies and techniques, while also helping them to enter new markets in order to improve their livelihood. Observer status in the General Assembly would help INBAR to further align its work with the sustainable development endeavours of the United Nations and to forge partnerships to meet global challenges.

19. **Mr. Poudel Chhetri** (Nepal), noting that Nepal was one of the nine founding members of INBAR, said that the Network's activities were in keeping with the purposes and objectives of the United Nations and related to matters of interest to the General Assembly, particularly the 2030 Agenda for Sustainable Development. His delegation was convinced that obtaining observer status in the General Assembly would enable the Network to realize its full potential and contribute to the achievement of the Sustainable Development Goals.

20. **Mr. Horna** (Peru), endorsing previous speakers' expressions of support for INBAR, said that the Network had carried out projects in Peru as part of a trilateral Andean programme relating to prevention and mitigation of natural disasters, reconstruction of areas affected by such disasters and construction of sustainable housing, among other areas. His delegation believed that the Network's priorities were fully in line with the 2030 Agenda for Sustainable Development and supported its recognition as an observer in the General Assembly.

21. **Mr. Oña Garces** (Ecuador) said that INBAR had been, for some 20 years, supporting the use of bamboo and rattan resources to enhance environmental security and improve the livelihoods of populations in its member countries, including Ecuador. It was also contributing to the achievement of the Sustainable Development Goals. His delegation supported the draft resolution and encouraged other delegations to do likewise.

Agenda item 171: Observer status for the ASEAN+3 Macroeconomic Research Office in the General Assembly (A/72/142; A/C.6/72/L.9)

Draft resolution A/C.6/72/L.9: Observer status for the ASEAN+3 Macroeconomic Research Office in the General Assembly

22. **Mr. Tang** (Singapore), introducing draft resolution A/C.6/72/L.9 on behalf of his delegation and that of China, said that Brunei Darussalam and Cuba had become sponsors. The ASEAN+3 Macroeconomic Research Office functioned as the regional macroeconomic surveillance unit for the members of the Association of Southeast Asian Nations (ASEAN), plus China, Japan and the Republic of Korea (ASEAN+3). It was an intergovernmental organization established by treaty. Its purpose was to contribute to the economic and financial stability of the ASEAN region by conducting regional economic surveillance and supporting the implementation of the Chiang Mai Initiative Multilateralization, a purpose that was consonant with the purposes and principles of the United Nations relating to the promotion of international cooperation in order to solve international economic problems. The Office thus met the criteria for observer status set out in General Assembly decision 49/426.

23. United Nations Member States had recognized in the Addis Ababa Action Agenda that a stable global macroeconomic environment would facilitate the implementation of policies that would contribute to sustainable development. Granting the Office observer status in the General Assembly would help establish a firm basis for regular and well-organized cooperation between it and the United Nations in the implementation of policies that would contribute to stability in the global macroeconomic environment. Given the

interconnectedness of the global economy with regional economies, increased exchanges with the General Assembly would enhance the Office's capacity to carry out its functions, particularly macroeconomic surveillance and formulation of policy recommendations to mitigate risks identified in the region. The General Assembly, in turn, stood to benefit from the Office's expertise in the ASEAN+3 region and its ability to provide input on macroeconomic surveillance, financial issues and the role of regional financial arrangements in global financial safety nets.

24. **Mr. Li** Yongsheng (China) said that the ASEAN+3 Macroeconomic Research Office was an intergovernmental organization whose activities covered matters of interest to the General Assembly. Its purposes were to promote regional economic and financial stability, monitor the situation of regional economies, support the implementation of the arrangement for multilateral liquidity within the framework of the Chiang Mai Initiative Multilateralization and provide technical assistance to its member States. His delegation was convinced that granting the Office observer status would enhance exchanges and cooperation between it and the United Nations with respect to policies governing the macroeconomic environment and would strengthen the Office's capacity to perform its functions for the benefit of its member States.

25. **Ms. Fernandez** (Philippines) said that, as the independent financial surveillance unit of ASEAN, the Office helped to secure the economic and financial stability of the region and avert financial crises such as the one that had occurred in 1997, which had threatened to cause a global economic meltdown. The Office helped to deepen regional cooperation by strengthening safety nets and decreasing balance-of-payments difficulties in the event of a crisis. Her delegation hoped that the Committee would give favourable consideration to the proposal to grant the Office observer status.

26. **Mr. Kajimoto** (Japan) said that the Asian financial crisis of 1997 had prompted policymakers to develop regional financial integration and cooperation mechanisms to manage future crises, a step which had paved the way for the regional financial framework embodied in the Chiang Mai Initiative Multilateralization and the ASEAN+3 Macroeconomic Research Office. Today, the Office played a vital role in ensuring the financial stability of the region by monitoring, assessing, and reporting on the macroeconomic and financial soundness of member countries and helping to implement the Chiang Mai Initiative Multilateralization.

27. Its activities not only benefited the region; they were also closely aligned with the aims of the United Nations, which in accordance with Article 55 of the Charter included creating conditions for economic and social progress and development and promoting solutions to international economic problems. The achievement of the Sustainable Development Goals would depend on international and regional economic growth. The Office could provide major support in that area by mitigating the impact of any future economic crises. Granting it observer status would also serve to expand partnerships between the United Nations and diverse regional organizations in the implementation of policies for sustainable growth.

Agenda item 172: Observer status for the Eurasian Group on Combating Money Laundering and Financing of Terrorism in the General Assembly (A/72/191; A/C.6/72/L.4)

Draft resolution A/C.6/72/L.4: Observer status for the Eurasian Group on Combating Money Laundering and Financing of Terrorism in the General Assembly

28. **Mr. Varankov** (Belarus), introducing draft resolution A/C.6/72/L.4, said that the Eurasian Group on Combating Money Laundering and Financing of Terrorism was an intergovernmental organization established in 2011 with the aim of ensuring effective cooperation at the regional level and integrating its member States into the international system for combating money-laundering and the financing of terrorism, in accordance with the international standards of the Financial Action Task Force and also in line with relevant standards of other international organizations. The Eurasian Group was an associate member of the Financial Action Task Force. All of the Group's member States had financial intelligence units and national systems for combating money-laundering and the financing of terrorism.

29. Membership in the Group was open to other States in the Eurasian region that shared its goals and principles, and States in other regions could obtain observer status in the Group. Fifteen States currently had observer status, as did 19 international organizations and structures, including the Financial Action Task Force, the United Nations Counter-Terrorism Committee, the International Monetary Fund, the World Bank, the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism and the Asia-Pacific Group on Money Laundering. The Group's members believed that granting it observer status in the General Assembly would promote effective cooperation between the Group and the United Nations and would

be in the interests of both organizations and their members, as it would help to ensure an effective fight against terrorism, which would not be possible without cutting off its sources of financing.

30. **Mr. Moldogaziev** (Kyrgyzstan), noting that the agreement establishing the Eurasian Group had been registered with the United Nations Secretariat in June 2016, in accordance with Article 102 of the Charter, said that the Group's primary goal was to ensure effective action and cooperation at the regional level in combating money-laundering and the financing of terrorism. His delegation hoped that other delegations would support the Group's application for observer status in the General Assembly.

31. **Mr. Li** Yongsheng (China) said that, as an intergovernmental organization whose activities covered matters of interest to the General Assembly, the Eurasian Group fully met the criteria for obtaining observer status in the General Assembly. Its main purpose was to facilitate effective regional interaction and cooperation in order to ensure compliance with the international standards set by the Financial Action Task Force and with other relevant international standards and to assist its members in integrating into the international system for combating money-laundering and terrorism financing. His delegation believed that granting the Group observer status would help enhance its exchanges and cooperation with the United Nations, increase its capacity to perform its functions and benefit the countries of the ASEAN region.

32. **Mr. Muhamedjanov** (Tajikistan) said that the Eurasian Group developed and conducted joint activities aimed at combating money-laundering and the financing of terrorism, coordinated international cooperation and technical assistance through joint programmes with specialized international organizations, analysed trends in money-laundering and terrorism financing and facilitated the exchange of best practices in combating those crimes, taking into account the specific characteristics of the region. His delegation believed that granting it observer status in the General Assembly would promote cooperation between the Group and the United Nations on a regular and orderly basis in the interests of both organizations and their members.

Agenda item 173: Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly (A/72/194; A/C.6/72/L.6)

Draft resolution A/C.6/72/L.6: Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly

33. **Ms. Sande** (Uruguay), introducing draft resolution A/C.6/72/L.6, said that Ecuador had become a sponsor. Reviewing the history of the Ramsar Convention on Wetlands, she recalled that article 8 of the Convention provided that the International Union for Conservation of Nature and Natural Resources (IUCN) would perform bureau duties under the Convention until such time as another organization or government was appointed by a majority of two-thirds of all contracting parties. In 1990 the Conference of the Contracting Parties had established a Convention Bureau co-located with the headquarters of IUCN, as an independent unit funded from the Convention budget that would perform all tasks required by the Conference of the Contracting Parties. In 2005, the Conference had decided that, in its external relations, the Bureau could use the term "the Ramsar secretariat". It had further decided that the secretariat would comprise a Secretary-General and other staff.

34. Over time, the Convention secretariat had been given increasing responsibility and had been entrusted with the authority to administer its own funds and enter into contracts, including cooperation agreements with other organizations. The secretariat's powers and authorities implied that it had international legal personality. The Ramsar Convention secretariat had been characterized as an intergovernmental organization by other entities. It had, for example, been included in the list of accredited intergovernmental organizations that could participate in the United Nations Conference to Support the Implementation of Sustainable Development Goal 14, where it had been listed among the intergovernmental organizations accredited as observers to the World Summit on Sustainable Development.

35. The Ramsar Convention was clearly linked to the Sustainable Development Goals, particularly Goals 2, 6, 13, 14 and 15. In 2012 the Conference of the Contracting Parties had adopted a resolution entitled "Wetlands and sustainable development", which had acknowledged the vital role of wetlands in sustainable development, and in 2015 it had adopted the Ramsar Strategic Plan 2016-2024, which focused on the rational use of wetlands and the achievement of the Sustainable Development Goals. In 2016 the Secretary-General of the Ramsar secretariat had made a presentation on the Convention and the Goals for representatives of United Nations Member

States in Geneva. The Chief of the Political Affairs and Partnerships Section of the United Nations Office at Geneva had been present at that event and had affirmed the political and economic importance of wetlands, many of which were located in countries and regions characterized by extreme poverty, lack of food security and deficient water and sanitation services. The Ramsar Convention played a key role in the conservation and protection of the environment and was aligned with the work of the United Nations in relation to sustainable development and the protection of marine biodiversity and ecosystems.

36. **Ms. Pierce** (United States of America), noting that the United States had been a party to the Ramsar Convention for more than 30 years, said that her delegation appreciated the important work that the Ramsar secretariat was doing to facilitate the implementation of decisions taken by the contracting parties with regard to wetlands conservation. Nevertheless, it had studied the application for observer status carefully and continued to have questions about the Convention secretariat's status as an intergovernmental organization that met the criteria set out in General Assembly decision 49/426. Her delegation acknowledged the positive contributions that the Ramsar secretariat could make to discussions relevant to its mandate and remained open to exploring other means to facilitate its appropriate participation in General Assembly meetings.

37. **Ms. Fernández Juárez** (Bolivarian Republic of Venezuela) said that Venezuela, which currently had five sites designated as wetlands of international importance, strongly supported the Ramsar Convention. Her delegation believed that the Ramsar Convention secretariat met the criteria for observer status as stipulated in General Assembly decision 49/426 and invited all Member States to support its application. The participation of the Ramsar secretariat in the debates of the Organization would contribute to the achievement of the Sustainable Development Goals and the objectives of the United Nations as a whole.

38. **Mr. Cuellar Torres** (Colombia) said that the Ramsar Convention was the intergovernmental treaty that set out the framework for the conservation and rational use of wetlands, which provided humanity with innumerable ecosystem services, including preservation of biodiversity and mitigation of climate change. As was clear from the explanatory memorandum submitted by the delegation of Uruguay (A/72/194), Ramsar was an intergovernmental organization whose activities were of interest to the General Assembly, and it therefore met the criteria for observer status in the General Assembly. His delegation invited others to support the draft resolution.

39. **Mr. Horna** (Peru) said that Peru had been a party to the Ramsar Convention since 1991 and currently had 13 sites designated as wetlands of international importance. His delegation believed that the secretariat of the Ramsar Convention met the requirements established by General Assembly decision 49/426. It supported the draft resolution and invited other delegations to consider also supporting it.

Agenda item 174: Observer status for the Global Environment Facility in the General Assembly (A/72/195; A/C.6/72/L.7)

Draft resolution A/C.6/72/L.7: Observer status for the Global Environment Facility in the General Assembly

40. **The Chair** said that he had been informed that the sponsors of the draft resolution had requested that the General Assembly defer until the seventy-third session a decision on the request for observer status in the Assembly for the Global Environment Facility. If he heard no objection, he would take it that the Committee wished to recommend that the General Assembly defer to the seventy-third session a decision on the relevant request.

41. *It was so decided.*

Agenda item 146: Administration of justice at the United Nations (A/72/138, A/72/204 and A/72/210)

42. **The Chair**, recalling that, at its second meeting, the General Assembly had referred the current agenda item to both the Fifth and Sixth Committees, said that in paragraph 46 of its resolution 71/266 the Assembly had invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibility for administrative and budgetary matters.

43. **Mr. Celarie Landaverde** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the Community was satisfied with the progress made since the inception of the new administration of justice system at the United Nations, which had helped to improve labour relations and work performance in the Organization. CELAC continued to support measures to protect the basic rights of United Nations personnel in conformity with internationally agreed standards, as well as all measures designed to help the United Nations to become a better employer and to attract and retain the best staff members. CELAC was mindful of the important role

that the Committee had played in making the administration of justice system fully operational by drafting the statutes and the amendments thereto of both the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, and would continue contributing its legal expertise for the resolution of all outstanding issues, such as those relating to the independent evaluation of the system, access to the justice system for persons with disabilities and other dispute resolution measures.

44. CELAC invited Committee members to review the recommendations and proposals contained in the Secretary-General's report (A/72/204), bearing in mind the principles of independence, transparency, professionalism, decentralization, legality and due process that should underpin the debate on the administration of justice at the United Nations. The Community reaffirmed its support for the work of the Office of Staff Legal Assistance and noted with satisfaction its visits to subregional offices to provide information about the internal justice system. The Internal Justice Council continued to play an important role in ensuring independence, professionalism and accountability in the administration of justice system, and it should continue to provide its views on the implementation of that system, within the purview of its mandate as established in paragraph 37 of General Assembly resolution 62/228. CELAC took note of the Council's report (A/72/210) and urged prompt implementation of the recommendations contained therein.

45. CELAC acknowledged the contribution of the Dispute and Appeals Tribunals to the administration of justice in the Organization. It stood ready to explore new ways to improve the use of informal mechanisms, such as mediation, and encouraged proper geographical and gender distribution in the designation of judges and staff. It stressed the importance of the Management Evaluation Unit, which provided the Administration with the opportunity to prevent unnecessary litigation before the Tribunals.

46. With regard to the report on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/72/138), CELAC remained of the view that more should be done to promote a culture of trust and conflict prevention throughout the Organization and to encourage the informal resolution of disputes. Accordingly, CELAC reiterated its request that the Secretary-General should ensure that the structure of the Office not only reflected its responsibility for oversight, but also that it had the support needed to perform its work, thus strengthening due process and ensuring accountability and transparency in decision-making.

47. The Sixth Committee should continue to cooperate closely with the Fifth Committee to ensure an appropriate division of labour and avoid encroachment of mandates in the work on the topic.

48. **Mr. Marbic** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the European Union continued to attach great importance to the efficient functioning of the system of administration of justice at the United Nations, which it considered instrumental to a positive work environment and to the achievement of the Organization's core goals and objectives. The system should be independent, transparent, professionalized, adequately resourced and decentralized and should operate in a manner consistent with the relevant rules of international law and the principles of the rule of law. It should ensure due process and respect for the rights and obligations of staff and the accountability of managers and staff members alike.

49. The informal resolution of disputes was a crucial element of the administration of justice system, as it provided a more flexible and faster means of problem-solving and helped to avoid time-consuming and stressful litigation processes. The European Union welcomed the activities of the Office of the United Nations Ombudsman and Mediation Services in that regard and supported its efforts to promote informal conflict resolution, in particular by facilitating access to and raising staff awareness of the informal justice system. It also welcomed the Office's expanded use of multilingual surveys and questionnaires as tools for receiving feedback and spotting trends and patterns. It was worrying, in that regard, that a survey conducted by the Office in 2016 had found that 60 per cent of respondents had experienced workplace conflict in the preceding three months. The European Union underlined the usefulness of organizing thematic informational sessions and workshops, skills-building initiatives and individual coaching in order to promote informal conflict resolution and develop conflict competence.

50. The European Union commended the work of the Management Evaluation Unit and noted with appreciation the high number of complaints disposed of every year. The fact that most of the Unit's decisions had been upheld in whole or in part by the Tribunals was a

good indicator of its effective approach, as was the relatively low proportion of cases challenged by staff members before the Dispute Tribunal. The European Union was also pleased that the Unit systematically sought to identify and, where appropriate, settle requests having the potential for informal resolution.

51. Since nearly 71 per cent of the requests for management evaluation received by the Unit in 2016 had come from staff in peacekeeping missions, he believed that it would be useful for the Office of Staff Legal Assistance and the United Nations Dispute Tribunal registries to continue to undertake outreach activities at the request of peacekeeping missions and also at the request of other United Nations offices. Such activities provided good opportunities to inform staff and managers about the internal justice system. The European Union appreciated the work of the Office of Staff Legal Assistance in raising awareness of the system and in providing legal guidance and representation to staff, thus helping to avoid conflicts and misunderstandings. The number of new cases before the Dispute Tribunal had stabilized over the previous two years, and the number of pending cases was also stable, indicating that the Tribunal continued to dispose of cases effectively. He noted that the Appeals Tribunal had also disposed of a high number of cases in 2016.

52. With regard to recommendation 58 of the Interim Independent Assessment Panel, concerning investigations into misconduct and harassment and the training provided by the Office of Internal Oversight Services to staff members on conducting peer-based investigations, the European Union noted that joint planning between that Office and the Administrative Law Section was intended to facilitate the development and delivery of training across the Secretariat during the last months of 2017.

53. The European Union continued to favour a differentiated system for the legal protection of non-staff personnel that would provide an adequate, effective and appropriate remedy. In the interests of promoting non-judicial approaches whenever possible, the Organization should always provide answers to such personnel and, where appropriate, propose possible remedies.

54. **Mr Rattray** (Jamaica), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM firmly supported any measures intended to strengthen the administration of justice at the United Nations and recognized the efforts made since 2009 to put in place an independent, transparent, professionalized, adequately resourced and decentralized system. In particular, it supported efforts to ensure that well-established principles of law, such as separation of powers and judicial independence, governed the management of the system. Fidelity to those principles must be matched by a commitment to ensuring the highest standards of accountability in the administration of justice. In order to ensure respect for the rights and obligations of staff members, as well as the accountability of staff members and managers, the system must operate in a manner consistent with the rules and principles of international law and the rule of law and due process.

55. The Community noted the considerable investments made by the Secretariat to implement systems aimed at improving labour relations between the Administration and staff. It recognized the work of the Dispute and Appeals Tribunals in helping to promote justice at the United Nations, but it would appreciate further analysis of the factors contributing to the relatively high rate of overturn by the Appeals Tribunal of cases coming from the Dispute Tribunal. He noted that the number of cases filed before the two tribunals in 2016 had decreased and that a significant percentage of cases had been resolved through the efforts of the Management Evaluation Unit. CARICOM recognized that the Sixth Committee had made an important contribution to the codification of rules through the drafting of the statutes of the two Tribunals and stood ready to collaborate in constructive dialogue to enhance mechanisms aimed at ensuring independence, accountability, transparency and fairness in the justice systems of the United Nations.

56. CARICOM noted that staff in peacekeeping missions represented a disproportionate percentage of the clients requesting legal assistance from the Office of Staff Legal Assistance. Furthermore, matters relating to appointments, benefits and entitlements accounted for a significant number of those requests. The Community underscored the need for an in-depth understanding of those trends and their significance to the Organization's operations, especially in the context of ongoing United Nations reform processes. Effective and efficient settlement of disputes, through both the informal and formal systems, was central to the Organization's ability to fulfil its mandate to promote peace and security, human rights and development. CARICOM welcomed the increasing involvement of the Office of the Ombudsman and Mediation Services in that regard. Staff and managers across the Organization should be encouraged to seek informal means of resolving conflicts. Informal resolution mechanisms promoted dialogue and fostered harmony in the workplace, helped to avoid unnecessary litigation and enhanced the

productivity and efficiency of staff and managers and the reputation and credibility of the United Nations.

57. CARICOM noted with concern the information in the report of the Internal Justice Council (A/72/210) regarding friction in the relationship between some Dispute Tribunal judges and some staff of the Tribunal Registry, which had affected productivity and morale. The Community supported the Council's recommendation that the respective responsibilities of Tribunal judges and Registry staff should be clearly delineated. The Council's observation regarding the inordinate length of time from filing to judgment — often more than a year — was also a concern. Mindful of the legal maxim that justice delayed was justice denied, CARICOM urged that steps be taken to ensure the timely disposition of cases.

58. **Ms. Boucher** (Canada), speaking also on behalf of Australia and New Zealand, said that the three delegations recognized the important steps taken since 2009 to build an effective, fair and impartial internal justice system. Such a system would enable the Organization to produce its best work and help to ensure that it continued to attract and retain the best and most qualified professionals from around the world. The three delegations welcomed the inclusion of the Code of Conduct for Legal Representatives and Litigants in Person in the annex to General Assembly resolution 71/266 and believed that the Code would help to ensure that all individuals acting as legal representatives for the United Nations were held to the same high standards of professional conduct.

59. In 2016, the majority of staff members filing cases with the United Nations Dispute Tribunal had been self-represented. It was important to note in that regard that, no matter how intelligent a person was, navigating a complex labour dispute with such a large organization could be daunting and overwhelming. It was essential for the United Nations to have a system that allowed its human resources professionals to effectively manage employees who were not meeting the Organization's high standards. It appeared, however, that only 1 per cent of staff received ratings suggesting they were underperforming, in part because managers feared that employees would lodge complaints that would not be dealt with fairly and expeditiously through the internal justice system. The three delegations believed that continued effort was needed to improve the performance management and internal dispute resolution systems in order to meet the needs of employees while also helping to create an efficient and dynamic United Nations.

60. The report of the Internal Justice Council (A/72/210) recognized the existence of concerns relating to the independence of the judges of the Dispute and Appeals Tribunals. The independence of judges was critical to the credibility of the internal justice system. Litigants must trust that judges would render an impartial opinion based on the facts and the applicable law, not the wishes of management. Australia, Canada and New Zealand looked forward to further reporting from the Secretary-General on strengthening and monitoring accountability in the system, as requested in General Assembly resolution 71/266. They welcomed the information provided in his report for the current session (A/72/204) on the categories of non-staff personnel and the remedies available to them. Such information would be useful for identifying where the system could be strengthened.

61. The development of a fair, transparent and efficient internal justice system would not happen overnight. It was an ongoing project that would require long-term support and commitment by all, including Member States, which should work together and share their ideas and experience in order to support the important work of strengthening the administration of justice at the United Nations. It was important for the internal justice system to reflect and embody the values of the Organization and also to support the Secretary-General's reform agenda. The three delegations looked forward to engaging constructively on the relevant issues, including with colleagues in the Fifth Committee.

62. **Ms. Carnal** (Switzerland) said that, while her delegation was pleased to note the progress made in implementing the recommendations of the Interim Independent Assessment Panel, it believed there was still room for improvement. In order to function fairly and effectively, the system for the administration of justice must be provided with the necessary resources. It was therefore worrying that certain key functions were currently under-resourced, including those of the Office of Staff Legal Assistance.

63. Her delegation remained concerned about ongoing problems with regard to whistle-blower protection and settlement of disputes involving non-staff personnel. Effective protection against retaliation was an indispensable attribute of a fair and effective internal justice system. She understood, however, that the new policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations, set out in the Secretary-General's bulletin (ST/SGB/2017/2), did not deal with retaliation for using the internal justice system, either by lodging a case or by appearing as a witness. Her delegation fully supported the Internal Justice Council's recommendation to establish an explicit system-wide

policy to ensure that both parties and witnesses appearing before the Dispute and Appeals Tribunals were protected from retaliation.

66. Her delegation wished to thank the Secretary-General for his efforts to collect information regarding the remedies currently available to non-staff personnel. Such personnel made up almost half of the Organization's workforce and the proportion was increasing. Many of them performed the same functions as staff over prolonged periods. Such persons must have access to a remedy to settle work-related disputes, particularly as, owing to the Organization's immunity, they generally could not seek remedies from the domestic courts in their place of employment. While consultants and individual contractors generally had recourse to arbitration under the Arbitration Rules of the United Nations Commission on International Trade Law, there were significant obstacles to arbitration. As noted in the report of the Interim Independent Assessment Panel (A/71/62/Rev.1), the arbitration clause in the contracts of many independent contractors acted as a deterrent because the current procedure was both too complex and too costly. Moreover, some non-staff personnel, including interns and volunteers, had access only to non-judicial modes of dispute resolution, such as those offered by the Management Evaluation Unit and the Office of the United Nations Ombudsperson and Mediation Services, and even that access was limited owing to resource constraints.

67. It was clear from the annex to the Secretary-General's report (A/72/204) that the internal justice system was fragmented, and that different standards, procedures and practices were in place across the system. Now was the time to address those problems and to consider a simplified and more user-friendly dispute resolution procedure for non-staff personnel. Her delegation was convinced that it would be possible to design a procedure that was cost-effective and in line with the long-term interests of the Organization. It recommended that the Secretary-General should present possible options in his next report, bearing in mind the best practices and potential gaps identified in annex II of his report, as well as the findings of previous reports on the matter, the recommendations of the Internal Justice Council and the experiences of other United Nations bodies.

68. **Ms. Rivero Obregon** (Mexico) said that the debate on the administration of justice at the United Nations should be guided by the principles of legality and due process, independence, transparency, professionalism and decentralization. Her delegation recognized the efforts undertaken to enhance the internal justice system, the results of which were evident in the significant number of cases that had been resolved expeditiously and to the satisfaction of those involved. However, there continued to be marked differences in access to justice for staff and non-staff personnel, particularly local staff hired as consultants or contractors.

67. The Secretary-General's report (A/72/204) noted that many staff members remained unaware of the resources at their disposal to ensure that their rights were respected. That lack of awareness was even more pronounced in the case of non-staff personnel, who most commonly turned to the domestic courts in the country in which they worked. Annex II to the Secretary-General's report indicated that over a hundred complaints had been filed in national courts between 2009 and 2016. It was not clear, however, whether those cases had been definitively resolved or whether the decisions handed down had gone unenforced for reasons of immunity. Indeed, lack of effective internal remedies for non-staff personnel, particularly those working in regional offices of the Organization and its funds, programmes and specialized agencies, raised a number of issues related to jurisdiction and immunity. Her delegation welcomed the outreach activities undertaken to raise awareness of internal justice mechanisms among both staff and non-staff personnel. Those activities should be intensified, particularly among non-staff personnel, who made up 45 per cent of the Organization's total workforce and often carried out functions that were just as important as those carried out by staff members.

68. Her delegation underscored the need for an adequate and effective system to provide a timely solution to disputes between United Nations agencies and non-staff personnel. It noted that arbitration was the most common mechanism used to settle such disputes. However, it had not been able to identify any examples of regional offices of the Organization using arbitration to resolve matters involving non-staff personnel, especially in individual cases. Her delegation would welcome more information from the Secretariat in that regard.

69. Mexico applauded the good practices followed by some organizations, agencies and programmes of the United Nations system to address complaints from non-staff personnel. However, the growing number of such cases made it necessary to redouble efforts and develop innovative mechanisms for resolving existing complaints and preventing future ones, including through early and informal dispute resolution processes. Her delegation urged both the Secretariat and Member States to work to strengthen the administration of justice system in order to ensure the best possible working

conditions for all the individuals who served the Organization.

70. **Mr. García Reyes** (Guatemala) said that it was apparent from the Secretary-General's report that much had been achieved since 2009 and that the goals for the administration of justice system, as set out in General Assembly resolutions 61/261, 62/228 and 63/253, had been largely met. His delegation was convinced of the system's positive impact in improving labour relations between the Organization and its staff and thereby also enhancing staff performance. It supported the work of the Office of Staff Legal Assistance, which had played a key role in providing advice, representation and other legal services. Such assistance ensured that staff were represented and could participate on an equal footing in legal proceedings; it also helped to ensure due process. His delegation also took note of the Office's visits to the five duty stations, which had afforded a valuable opportunity to inform staff, staff associations and managers about the internal justice system, including the Office's role.

71. The Internal Justice Council continued to play an important role in ensuring independence, professionalism and accountability in the internal justice system, and his delegation encouraged it to continue to provide its views on the implementation of the system, within the scope of its mandate as set out in General Assembly resolution 62/228. The Sixth Committee, too, had played an important role in making the administration of justice system operational by drafting the statutes, and the amendments thereto, of the Dispute Tribunal and the Appeals Tribunal. His delegation stood ready to contribute its legal expertise with regard to all outstanding issues, such as those relating to the independent evaluation of the system, access to the justice system for persons with disabilities, gender equality and alternative dispute resolution measures. It recognized the value of the work of the Office of the Ombudsman and Mediation Services and the informal justice system in avoiding excessive litigation.

72. His delegation considered that the proposals and recommendations put forward by the Secretary-General in his report would enhance the effectiveness of the administration of justice at the United Nations; it would therefore continue working constructively with other delegations to that end. Continued coordination with colleagues in the Fifth Committee in those efforts would be important in order to ensure an appropriate division of labour.

73. **Ms. Pierce** (United States of America) said that the Secretary-General's bulletin (ST/SGB/2017/2) on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations represented a welcome improvement with regard to accountability. However, as indicated in the report of the Internal Justice Council (A/72/210), there was still substantial fear of retaliation among staff; the issue might therefore merit further exploration, bearing in mind that retaliation could manifest itself in many, and often subtle, ways. Her delegation would welcome more information from the Secretary-General about the system of referrals for accountability in the light of the Internal Justice Council's recommendations thereon. She noted in that regard that there had been no findings during the reporting period on the accountability of managers.

74. Her delegation was pleased to note that reviews of administrative decisions by the Management Evaluation Unit appeared to have resulted in a decrease in the amount of litigation pursued before the Dispute Tribunal and the Appeals Tribunal. The Office of the United Nations Ombudsman and Mediation Services had also made a significant contribution to the prevention and the informal resolution of disputes. In addition, the Investigations Division of the Office of Internal Oversight Services had taken steps to further reduce the average length of investigations. Her delegation agreed that informal resolution of disputes as early as possible should be encouraged. Care should be taken to ensure that requests for deadline extensions were not abused, as deadlines existed to ensure prompt resolution of disputes.

75. Her delegation appreciated the efforts made to improve transparency, including through outreach missions by the Office of Staff Legal Assistance and the United Nations Dispute Tribunal registries to help inform staff and managers about the internal justice system. Consideration should be given to what additional practical steps could be taken to enhance knowledge and understanding of the system, in particular regarding the availability of staff legal assistance. Her delegation welcomed the efforts of the Office of Human Resources and Management to harmonize and consolidate rules, regulations and administrative issuances with a view to reducing redundancies, eliminating contradictions and enhancing transparency. It also supported the Internal Justice Council's recommendation regarding enhancing staff access to documentation and information; in particular, where feasible, the Management Evaluation Unit should provide staff complainants with documents and other information relied upon by the Unit in deciding to sustain the decisions of line managers.

The meeting rose at 5.40 p.m.